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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER M. CRAIG,

Plaintiff,

v.

JUSTIN S. FLANERY, et al.,

Defendants.

2:08-CV-146 JCM (RJJ)

Date: N/A

Time: N/A

ORDER

Presently before the court is plaintiff Christopher Michael Craig's motion for default judgment against defendants Justin S. Flanery, Jay Reigl, SAC City Auto, Roseville Gold Inc., and Aaron Paul Blanchard (hereinafter collectively referred to as "defendants") filed, *pro per*. (Doc. # 60).

Pursuant to Federal Rule of Civil Procedure 55(a) "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Federal Rule of Civil Procedure 55(b)(2) provides that a court may enter a default judgment after the party seeking default applies to the clerk of the court as required by subsection (a) of this rule.

Here, pursuant to Federal Rule of Civil Procedure 55(b), plaintiff asks this court to enter a default judgment against defendants and award \$200,000 judgment. Plaintiff applied to the clerk of the court for entry of default (Doc. #52) as to defendants, which was entered on January 25, 2010. (Doc. #59).

1 According to the Ninth Circuit, in exercising its discretion to award a default judgment, a
2 district court may consider the following factors: "1) the possibility of prejudice to the plaintiff; 2)
3 the merits of the plaintiff's substantive claim; 3) the sufficiency of the complaint; 4) the sum of
4 money at stake in the action; 5) the possibility of a dispute concerning material facts; 6) whether the
5 default was due to excusable neglect; and 7) the strong policy underlying the Federal Rules of Civil
6 Procedure favoring decisions on the merits." *Eital v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir.
7 1986).

8 This court finds that an entry of default judgment is appropriate in the amount of \$200,000
9 against defendants Justin S. Flanery, Jay Reigl, SAC City Auto, Roseville Gold Inc., and Aaron Paul
10 Blanchard, jointly and severally.

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for
12 default judgment (Doc. # 60) be, and the same hereby is, GRANTED.

13 DATED this 15th day of July, 2010.

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16 UNITED STATES DISTRICT JUDGE
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